HON'BLE SRI JUSTICE V. ESWARAIAH

W.P.NO. 17337 OF 2007

Dated: 14.8.2007

Between:

Sri Allam Ramu

… Petitioner

and

The Sub-Inspector of Police,
West House Station, Tirupati and another

… Respondent

HON'BLE SRI JUSTICE V. ESWARAIAH

W.P.NO. 17337 OF 2007

ORAL ORDER:

The petitioner seeks to issue a writ of Mandamus declaring the action of the 1st respondent-Sub-Inspector of Police, West House Station, Tirupati, in not taking action on the complaint dated 24.4.2007.

It is the case of the petitioner that pursuant to a written intimation dated 24.4.2007 given by him, intimating commission of a cognizable offence by the persons concerned therein, the 1st respondent entered the gist of the information under Section 154 of the Code of Criminal Procedure (for short 'the Code'), however, neither the FIR been registered nor investigation taken up.

I am of the considered opinion that if any written intimation is made alleging commission of a cognizable offence, no doubt, it is the statutory obligation of the 1st respondent to register a case and investigate the same. If no such FIR is registered, the course open for the petitioner is to intimate the gist of the FIR to the Superintendent of Police concerned and even where the Superintendent of Police fails to investigate into the matter by registering a case by himself or by any other officer authorized by him, it is open for the petitioner to file a

private complaint under Sections 190 r/w 200 of the Code, as held in a catena of decisions by this court as well as the Supreme Court.

In view of the aforesaid remedy available under law, I am not inclined to admit the writ petition and the same is dismissed at the stage of admission. No order as to costs.

V. ESWARAIAH, J

DATE: 14.8.2007
CVM